

110TH CONGRESS  
1ST SESSION

# H. R. 2548

To amend the Clean Air Act to reduce air pollution from marine vessels.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Ms. SOLIS (for herself, Ms. HARMAN, Mrs. CAPPS, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act to reduce air pollution from marine vessels.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Marine Vessel Emis-  
5       sions Reduction Act of 2007”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) emissions of air pollutants from marine ves-  
9       sels contribute significantly to dangerous air pollu-  
10      tion in many areas in the United States;

1           (2) current levels of control on those emissions  
2           are not adequate to protect air quality and public  
3           health;

4           (3) to protect air quality and public health, ef-  
5           forts by State and local governments to control emis-  
6           sions from marine vessels must be augmented by the  
7           Federal Government;

8           (4) although the Environmental Protection  
9           Agency may require additional controls on domestic  
10          and international marine vessels entering United  
11          States ports, significant emission reductions must be  
12          achieved in the near future; and

13          (5) it is urgent and necessary to require the  
14          Administrator of the Environmental Protection  
15          Agency to establish standards to reduce emissions of  
16          air pollutants from marine vessels in a sufficient pe-  
17          riod of time to allow all areas in the United States  
18          to meet air quality standards in accordance with ap-  
19          plicable deadlines.

20   **SEC. 3. MARINE VESSEL FUEL SULFUR.**

21          Section 211 of the Clean Air Act (42 U.S.C. 7545)  
22   is amended—

23           (1) by redesignating the first subsection (r) (re-  
24          lating to fuel and fuel additive importers and impor-

1       tation) as subsection (u) and moving that subsection  
2       so as to appear at the end of the section; and

3               (2) by inserting after subsection (o) the fol-  
4       lowing:

5       “(p) MARINE VESSEL FUEL SULFUR.—

6               “(1) IN GENERAL.—Subject to paragraph (3),  
7       not later than December 15, 2008, the Adminis-  
8       trator shall promulgate regulations that, effective be-  
9       ginning on December 31, 2010, require marine ves-  
10      sels described in paragraph (2) to use fuel that con-  
11      tains not more than 1,000 parts per million of sulfur  
12      in the main and auxiliary engines of the vessels.

13              “(2) APPLICABILITY.—The regulations promul-  
14      gated pursuant to paragraph (1) shall apply to all  
15      marine vessels, including any vessel flagged in a  
16      country other than the United States, at any time  
17      at which the vessels are, on entering or leaving a  
18      port or offshore terminal of the United States—

19              “(A) within 200 miles of the west coast of  
20      the continental United States; and

21              “(B) within such distance of the east coast  
22      or Gulf coast of the United States, or the  
23      shoreline of the Great Lakes or St. Lawrence  
24      Seaway, as the Administrator determines to be

appropriate for the purpose of protecting public health and the environment.

“(3) INTERIM REQUIREMENT.—

“(A) IN GENERAL.—Notwithstanding the requirement of paragraph (1), the Administrator may promulgate regulations under that paragraph that permit marine vessel fuel sulfur content in excess of 1,000 parts per million if the Administrator determines that compliance with the requirement of paragraph (1) is not technically feasible by December 31, 2010.

“(B) REGULATIONS.—If the Administrator makes a determination described in subparagraph (A), the Administrator shall promulgate regulations that require marine vessels—

“(i) beginning on December 31, 2010, to use fuel that contains—

“(I) the lowest quantity of sulfur that is technically feasible by that date; and

“(II) in no event a quantity of sulfur in excess of 2,000 parts per million; and

“(ii) to achieve compliance with the requirement of paragraph (1) on the ear-

1           liest practicable date by which compliance  
2           is technically feasible.

3           “(4)   ALTERNATIVE   COMPLIANCE   MECHA-  
4           NISM.—The Administrator may provide for an alter-  
5           native mechanism of compliance under this sub-  
6           section for a marine vessel if the Administrator de-  
7           termines that—

8                   “(A) the vessel employs a control tech-  
9                   nology that reduces emissions from the vessel of  
10                  sulfur oxides and particulate matter to at least  
11                  the same degree as the reduction that would be  
12                  achieved by the vessel through compliance with  
13                  the applicable fuel sulfur content limitation  
14                  under this subsection; and

15                  “(B) the emission reductions achieved as  
16                  described in subparagraph (A) are in addition  
17                  to any reductions required to achieve compli-  
18                  ance with an applicable engine emission stand-  
19                  ard issued by the Administrator or the head of  
20                  another Federal agency.

21           “(5) NO EFFECT ON OTHER AUTHORITY.—  
22           Nothing in this subsection limits or otherwise affects  
23           any authority of the Administrator to regulate fuels  
24           or fuel additives for use in marine vessels or any

1       other nonroad vehicle or engine under this Act or  
2       any other provision of law.”.

3   **SEC. 4. ADVANCED MARINE VESSEL EMISSION CONTROLS.**

4       Section 213 of the Clean Air Act (42 U.S.C. 7547)  
5   is amended—

6           (1) by redesignating subsection (d) as sub-  
7       section (f); and

8           (2) by inserting after subsection (c) the fol-  
9       lowing:

10       “(d) ADVANCED MARINE VESSEL EMISSION CON-  
11   TROLS.—

12           “(1) STANDARDS FOR OCEANGOING VESSELS.—

13               “(A) IN GENERAL.—Not later than De-  
14       cember 15, 2008, the Administrator shall pro-  
15       mulgate, and from time to time revise, regula-  
16       tions that establish standards for emissions of  
17       oxides of nitrogen, particulate matter, hydro-  
18       carbons, and carbon monoxide from newly-man-  
19       ufactured and in-use main and auxiliary en-  
20       gines in oceangoing marine vessels that enter or  
21       leave a port or offshore terminal of the United  
22       States.

23               “(B) REQUIREMENT.—The standards  
24       under subparagraph (A) shall require, effective  
25       beginning on January 1, 2012, that the engines

described in that subparagraph achieve the greatest degree of emission reduction achievable through the application of technology that the Administrator determines, in accordance with this paragraph, will be available for the affected engines.

“(C) ADDITIONAL FACTORS FOR CONSIDERATION.—

“(i) IN GENERAL.—In promulgating a standard under this paragraph, the Administrator shall take into consideration—

“(I) whether the engine is newly-manufactured or in-use (and, if the engine is in-use, the age of the engine);

“(II) the cost of applying an emission reduction technology in a period of time sufficient to achieve compliance with the standard;

“(III) noise, energy, and safety factors associated with the application of the technology; and

“(IV) the feasibility, benefits, and costs of requiring—

1 “(aa) the maximum level of  
2 control required by regulations  
3 applicable to on-road, nonroad,  
4 and stationary engines; and

5 “(bb) the maximum level of  
6 control achieved by sources from  
7 which control technologies may  
8 be transferred, including sources  
9 that use advanced aftertreatment  
10 technologies.

11 “(ii) DETERMINATION.—

12 “(I) IN GENERAL.—If the Ad-  
13 ministrator determines, after consider-  
14 ation of the factors described in clause  
15 (i), that a maximum level of control  
16 described in clause (i)(IV) will not be  
17 technically achievable by January 1,  
18 2012, the Administrator shall promul-  
19 gate standards under subparagraph  
20 (A) that require the maximum level of  
21 control that the Administrator deter-  
22 mines will be technically achievable by  
23 that date.

24 “(II) ADDITIONAL STANDARDS.—  
25 If the Administrator makes a deter-



1 mination under subclause (I), the Ad-  
2 ministrator shall promulgate addi-  
3 tional standards under subparagraph  
4 (A) that require, effective beginning  
5 on January 1, 2016—

6 “(aa) the maximum level of  
7 control described in clause  
8 (i)(IV); or

9 “(bb) if the Administrator  
10 determines, after consideration of  
11 the factors described in clause  
12 (i), that a maximum level of con-  
13 trol described in subclause (IV)  
14 of that clause is not technically  
15 achievable by January 1, 2016,  
16 the maximum level of control  
17 that the Administrator deter-  
18 mines will be technically achiev-  
19 able by that date.

20 “(2) APPLICABILITY.—Standards applicable to  
21 marine engines and marine vessels promulgated  
22 under this section shall be applicable to vessels that  
23 enter or leave a port or offshore terminal of the  
24 United States, including vessels flagged in any coun-  
25 try other than the United States.

1 “(3) ENFORCEMENT.—

2 “(A) IN GENERAL.—The standards estab-  
3 lished under this subsection shall be enforced in  
4 accordance with subsection (f).

5 “(B) ENFORCEMENT AGAINST CERTAIN  
6 PERSONS.—At the discretion of the Adminis-  
7 trator, any standard established under this sub-  
8 section relating to in-use engines may be en-  
9 forced against—

10 “(i) the owner or operator of an in-  
11 use engine;

12 “(ii) any person that rebuilds or  
13 maintains an in-use engine; or

14 “(iii) such other person as the Admin-  
15 istrator determines to be appropriate.

16 “(4) NO EFFECT ON OTHER AUTHORITY.—  
17 Nothing in this subsection limits or otherwise affects  
18 any authority of the Administrator to regulate emis-  
19 sions of engines in marine vessels under this Act or  
20 any other provision of law.”.

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